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U.S. Pension Bureau

Information relating to
army and navy pensions

[Washington]

[1921]

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INFORMATION RELATING TO ARMY AND NAVY PENSIONS.

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The information contained in this pamphlet consists of excerpts from an office publication not available for general distribution. The numbers at the end of the sections indicate the numbers of the sections of the Bureau regulations in effect August 27, 1921.

ATTORNEYS.

1. A person appearing of record in the Bureau of Pensions as having complied with the regulations prescribed by the Secretary of the Interior for the recognition of agents or attorneys before the Department of the Interior may be recognized to prosecute any claim for pension or bounty land in which the law does not prohibit the employment of an attorney or the payment of an attorney's fee, on filing a power of attorney from the claimant: *Provided, however,* That the Commissioner of Pensions, in his discretion, may recognize such person without compensation in any claim for pension or bounty land heretofore filed, or that may hereafter be filed, in which the law prohibits the payment of such fee: *And provided,* That where the power of attorney is in the name of a firm of agents or attorneys some duly qualified member thereof must enter an appearance therein on behalf of the firm (344).

2. No person can be recognized as an agent or attorney before this bureau until he shall have complied with the regulations adopted in pursuance of the act of July 4, 1884. If the attorney has not complied with such regulations he shall be so notified and furnished with the proper blanks and a copy of such regulations and of the oath required (346).

3. The relation of "principal and agent" is that which shall be recognized as the relation subsisting between claimants and those acting for them in prosecuting their claims before this bureau (348).

4. Consent of the attorney of record to a revocation or a transfer of his power shall be required, except in such cases as are otherwise permitted by the commissioner (349).

5. Transfers of attorneyship must be acknowledged before some officer authorized to administer oaths for general purposes in the presence of two witnesses who must sign their names to the instrument of transfer (350).

6. In all transfers of attorneyship a separate slip must be filed for each claim transferred, showing its number, the name of the claimant, the name of the soldier or sailor, the service on which the claim is based, and the name and address of the transferee (351).

7. A transfer not general in character, but of a limited number of claims, from one agent, attorney, or firm to another, must be accompanied also by a schedule, alphabetically arranged, showing for each claim the data required on said slips (352).

8. A transfer made by the legal representative of deceased or incompetent agent or attorney must be accompanied by a duly authenticated certificate of an officer of the court having jurisdiction showing the authority of such representative (353).

9. The written consent of the claimant is necessary to entitle a transferee to recognition in an incomplete claim, the transfer of attorneyship in all such cases being subject to protest (354).

10. In the event of death if there be no administration, the transfer must be executed by the widow or heir, or heirs, and must include a statement as to the death of the attorney, the date thereof, the name of his widow, if any, or the name or names of his heir or heirs, that no administration will be had, and that there is no objection to the transfer on the part of anyone having a claim against the estate. This affidavit must be corroborated by the affidavits of two disinterested persons having knowledge of the facts (355).

11. No agent or attorney shall have power to make a valid assignment of any claim in which he has been recognized, even with the written consent of the claimant, unless he is at the time of such assignment and of such consent in good standing before the Bureau of Pensions (356).

12. Only a duly executed power of attorney confers upon an agent or attorney the right to appear in a case or to receive any information therein, and examiners shall, upon the receipt of a duly executed power of attorney, no other attorney having prior rights, inform the agent or attorney thereby empowered of the condition of the case and at the proper time call upon him for all the necessary proof.

Articles of agreement and every power of attorney, in order to be recognized by the bureau, must specify the particular claim in the case to which they are intended to apply (357).

13. No power of attorney purporting to be executed by a claimant shall be recognized as good and valid unless the same be signed by the claimant in the presence of two witnesses, neither of whom is the attorney of record in the claim, and acknowledged before a officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal and who is not interested in the prosecution of the claim to which the power of attorney may relate (358).

14. Every officer of the United States or person holding any place of trust or profit or discharging any official function under or in connection with any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States is prohibited, under a heavy penalty, from acting as an agent in a claim for pension or from aiding and assisting in any manner, otherwise than in the discharge of his proper official duties, in the prosecution of such claim. (Sec. 109, Crim. Code. 35 Stat. L., p. 1107.) (359.)

15. Every agent, attorney, or other person who shall, directly or indirectly, request of any Member of either House of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules, and regulations governing the granting of pensions and bounty land) aid or assistance in the prosecution of a pension or bounty-land claim, or who shall, directly or indirectly, request or advise a claimant to seek such aid in the prosecution of a pension or bounty-land claim, shall be held to have abandoned the claim as agent or attorney and shall thereby forfeit his agency or attorneyship in such claim (360).

16. Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions who shall violate the provisions of the preceding section shall be held thereafter incompetent to prosecute claims before said bureau within the meaning of section 5 of the act of July 4, 1884, and shall thereby subject himself to suspension or disbarment from practice before the Bureau of Pensions (361).

17. In all claims for pension where the evidence necessary to complete them was filed by the agent or attorney prior to suspension or disbarment from practice, and in which the certificate does not issue until subsequent thereto, such agent or attorney may be recognized as though he had not been suspended and may be paid his fee (362).

18. If an agent or attorney is disbarred pending the adjudication of a claim, and if, while such disbarment is in force, the claim is adjudicated and the certificate issued without certification of a fee by reason of such disbarment, and if thereafter said agent or attorney is restored to practice, and if claimant has not, by reason of such disbarment, canceled or revoked the authority theretofore existing, upon such restoration as aforesaid the lawful fee shall be certified and paid to such agent or attorney (363).

19. When a claimant during the disbarment of his agent or attorney of record employs another, who prosecutes the claim to final adjudication, no fee shall be certified the disbarred agent or attorney upon his restoration to practice (364).

20. No calls for evidence or notices of medical examinations or the like should be addressed to disqualified attorneys (365).

21. In all cases where certificates issue subsequent to the restoration of the agent or attorney prosecuting the claim, it having been completed during his suspension without the interposition of another agent or attorney or revocation by claimant of his authority, said restored agent or attorney should be recognized, notwithstanding his power was filed prior to the date of his restoration (366).

22. The rule directing payments of fees to suspended agents or attorneys in claims completed prior to their suspension shall not be construed to authorize payment of fees in cases in which action on such pending claims was suspended on account of any irregularity or informality in the papers or evidence presented by such agents or attorneys in the prosecution of such claims (367).

23. An applicant shall be allowed during the suspension of an agent or attorney previously empowered to act in said applicant's claim to appoint another agent or attorney because of the inability of the former agent or attorney to act for claimant before the department, even though the said inability should prove to have been but temporary (368).

24. No fee shall be allowed to a guardian who prosecutes the claim of his ward, or to a firm of attorneys of which the guardian is a member (369).

25. No request of an agent or attorney for consideration of his title to a fee shall be entertained unless the same shall be filed in the Bureau of Pensions within one year from the date of issue of the certificate upon which such fee is claimed (370).

26. Agents or attorneys practicing before this bureau are required to state the names of all subagents or correspondents assisting them in the prosecution of claims for pension or bounty land, and the interest said subagents or correspondents have in the prosecution of such claims or fees therein. Any agent or attorney in good standing before the bureau who knowingly employs any person as a subagent or correspondent prohibited from practicing before the department shall be recommended for suspension from practice (371).

27. Cases pending in this bureau shall not be taken up upon the verbal requests of attorneys or claim agents, nor in their behalf except upon a separate written inquiry in each case signed by the attorney or agent and in regular course of business (372).

28. No claim pending in the Bureau of Pensions shall be considered out of its regular order upon the request of an agent or attorney, or any other person except for good cause shown and upon the order of the Commissioner of Pensions (373).

29. A change of guardian in any case during the pendency of a claim for pension does not affect the right of the original attorney to recognition and to the fee agreed upon with the guardian who appointed him (374).

30. The willful withholding of evidence by an agent or attorney for any cause shall be reported to the Secretary of the Interior for his action (375).

31. In claims for pension and bounty land no greater fee than is authorized by law can be legally received by an agent or attorney or any other person for prosecuting such claim for pension or bounty land, and upon satisfactory proof that any agent or attorney has, subsequent to July 4, 1884, received directly or indirectly from the claimant any sum or sums for his services in the prosecution of the claim, said agent or attorney shall be reported to the Secretary of the Interior for disbarment (376).

32. Where an agent, attorney, or other person incurs any expense in the prosecution of a claim before the Bureau of Pensions, he must file a sworn itemized account of such expense with the Commissioner of Pensions and secure the approval thereof before demanding or receiving reimbursement from the claimant or pensioner (377).

33. In a claim under the act of March 2, 1895, for the accrued pension due in an admitted case from the date of last payment to pensioner's death, the agent or attorney of record is permitted, upon the allowance of the claim, to receive as a fee, direct from the claimant or beneficiary, 10 per cent of the amount of the accrued pension paid; but in no event shall such agent or attorney be permitted to demand, receive, or retain a fee in excess of \$10 in any one claim (378).

34. When an agent or attorney is called upon by the Commissioner of Pensions to furnish evidence in any claim he shall be allowed 90 days within which to furnish same or to give reasons why he fails to do so. Before such agent or attorney is dropped or another recognized (at any time within one year) he shall be given 30 days' notice to show cause why he is not guilty of laches. In the event that such answer be not filed within 30 days from the mailing of such notice, or that the answer thereto be held by the Commissioner of Pensions to be insufficient, claimant shall be notified of such failure and may file the same, either by himself or by such other attorney as he may elect; and upon the recognition of such other attorney the former agent or attorney shall be estopped from claiming any fee (379).

35. An agent or attorney shall be required to exercise due diligence in all cases in which he is recognized. Neglect to prosecute a claim for one year shall be held, in default of cause shown, conclusive evidence of the abandonment of a claim by an agent or attorney, and claimant shall be so advised. To call up a case shall not be held of itself a substantial compliance with any specific requirement of the Commissioner of Pensions (380).

36. Agents and attorneys are required to conduct their business with the office with decorum and courtesy. Papers in violation of

this requirement may, by order of the commissioner, be returned. Flagrant violation of this rule shall be cause for disbarment (381).

17. Upon the rejection of a claim for pension or bounty land the agent or attorney of record shall be notified of such rejection and the reason therefor, and shall be allowed 90 days from the date of such notice within which to file a motion for reconsideration, supported by material evidence, or within which to enter an appeal to the Secretary of the Interior; and on his failure to do either he shall be held to have abandoned the case, and the claimant may employ any other duly qualified agent or attorney further to prosecute the claim (382).

18. The claimant shall have the privilege of exercising his right at any stage of the claim to revoke a power of attorney and discharge his agent upon a showing of cause deemed good and sufficient by the commissioner (383).

19. The full fee payable by the bureau shall be paid on the issuing of the first certificate, provided, of course, there is an allowance sufficient for that purpose (384).

20. All articles of agreement in claims for pension or bounty land that conform to the requirements of the law and regulations shall be accepted if filed prior to the date of the issue of the certificate or of the bounty-land warrant (385).

21. No articles of agreement filed under the act of July 4, 1884, shall be recognized as valid, and no fee shall be paid thereunder, unless the claimant's signature thereto is witnessed by two attesting witnesses and acknowledged before some officer authorized to administer oaths for general purposes whose official signature is certified under seal.

The attorney's acceptance of such agreement must also be executed before some officer duly authorized to administer oaths for general purposes whose official signature is certified under seal (386).

22. No power of attorney or articles of agreement shall be accepted as valid wherein the claimant's acknowledgment is taken before an officer who is the agent or attorney named therein, or where the agent or attorney acts as one of the attesting witnesses to claimant's signature to such instrument (387).

23. A declaration, affidavit, or any paper requiring execution or acknowledgment in connection with a claim for pension or bounty land must be executed or acknowledged before an officer duly authorized to administer oaths for general purposes who is not interested in the prosecution of the claim to which said paper pertains, and the jurat must so show. An agent or attorney who shall file any paper containing in the jurat a false statement that the officer before whom such paper was executed or acknowledged is not interested in the

prosecution of the claim, or any statement equivalent thereto, when in truth and in fact such agent or attorney has entered into a contract, agreement, or understanding with such officer by virtue of which said officer is to receive compensation or a commission from such agent or attorney, in the event of the allowance of the claim, may be recommended to the Secretary of the Interior for disbarment from practice before the Bureau of Pensions (388).

24. Articles of agreement, to be recognized as valid by the Commissioner of Pensions, must be in duplicate and in the form prescribed by order of July 8, 1884, and have printed upon the reverse: "Notice to claimant:" "This agreement is permissible under the law, but not compulsory," and a copy of the act of July 4, 1884.

Such articles of agreement are accepted as containing a power of attorney when they are not contrary to law or these regulations (389).

25. The following is the form of articles of agreement prescribed by the Commissioner of Pensions and approved by the Secretary of the Interior July 8, 1884, under the provisions of the act of Congress approved July 4, 1884 (390).

(To be executed in duplicate without additional cost to claimant.)

ARTICLES OF AGREEMENT.

Whereas I,, late a in company of the Regiment of Volunteers, war of, having made application for pension under the laws of the United States:

Now this agreement witnesseth, That for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney,, of, the fee of dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney, in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes, United States.

(Signature of claimant.)
(Post-office address.)

(Signatures of two witnesses.)

STATE OF, County of, ss:

Be it known that on this, the ... day of, A. D. 1...., personally appeared, the above named, who, after having had read over to, in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be free act and deed.

[L. s.]

(Official signature.)

And now, to wit, this ... day of A. D., 1...., I.... accept the provisions contained in the foregoing articles of agreement, and will, to the best of ability, endeavor faithfully to represent the interest of the claimant in the premises. I.... hereby certify that have received from the claimant above named the sum of dollars, and no more; dollars being for fee, and the sum of dollars being for postage and other expenses. And that these agreements have been executed

in duplicate, without additional cost to the claimant, as required by law, in excess of the fee above named, the said attorney making no charge therefor.

Witness hand the year and day above written.

(Signature of attorney.)

STATE OF County of ss:

I personally came, whom I know to be the person represents to be, and who having signed above acceptance of agreement, acknowledged the same to be free act and deed.

[v. s.] (Official signature.)

I approved for dollars, and payable to of the recognized attorney.

Commissioner of Pensions.

16. Where only one copy of articles of agreement is filed, attorneys shall be allowed to file a duplicate of the same, executed by both parties in interest at any time before the issuing of the certificate of bounty-land warrant. When a claim for bounty land has been allowed and the warrant issued, one approved copy of the articles of agreement shall be forwarded to the agent or attorney of record and the other preserved in the files of the claim. The bounty-land warrant shall be forwarded direct to the party entitled to the possession thereof (391).

17. Articles of agreement and powers of attorney not properly executed for any cause must be retained in the claim and the attorney advised why same can not be accepted (392).

18. An agent or attorney may request and receive from a claimant a sum not exceeding 50 cents for postage in the prosecution of any one claim, original or increase, but compliance with such request of the agent or attorney is optional with the claimant. Agents and attorneys are not allowed to demand a sum for postage as a right or to refuse to prosecute a claim where the request for postage is not complied with (393).

19. Attorneys presenting questions for the consideration of the Law Division shall submit their points, authorities, and arguments in writing, and shall not be permitted to enter that division either to examine cases or to make oral arguments. Communications on such matters may be addressed to the Commissioner of Pensions and marked "For the Law Division," and may be transmitted by mail or left with the chief clerk (395).

20. Motions to reconsider rulings and decisions of the Law Division shall not be entertained by that division unless it plainly appears that some act of Congress, decision of the Secretary, ruling of the commissioner, or some controlling evidence in the case was overlooked (396).

21. Fee agreements which are regular in every particular except that the blanks in the attorney's acceptance relating to advance payment of part of the fee and of any amount for postage have not been filled in by the attorneys shall not be wholly disregarded. The

fee should be withheld in such cases and the matter referred to the Law Division for appropriate action (397).

52. Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions shall submit to the Commissioner of Pensions copies of all proposed advertising matter intended to solicit business before the Bureau of Pensions, and if the same be not disapproved by the Commissioner of Pensions and the agent or attorney so notified within 10 days from the date of filing the same shall be held, *prima facie*, approved (399).

53. Advertising matter may contain clear, correct, and explicit statements of the law, the name and address of the attorney, and the information that he prosecutes claims for pension and bounty land (400).

54. The use by an agent or attorney of the characters "U. S.," or the words "United States," as a part of his title, or of the title of his business, is misleading and shall not be permitted (401).

55. Where, through a mistake of fact or fraud on the part of an agent or attorney, a fee to which he is not entitled has been paid to him he shall be required to refund the same on demand by the Commissioner of Pensions; and his failure or refusal to refund, after such demand, shall render him liable to suspension or disbarment from practice before the Bureau of Pensions (402).

56. A State officer, charged with the duty of looking after the interests of claimants for pension, may have information in connection with a claim for pension, where designated by the claimant, and such officer shall be advised as to calls for evidence and the final disposition of the claim (403).

57. Section 190, Revised Statutes United States, provides that—

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employee.

58. TABLE OF ATTORNEY FEES ALLOWED BY LAW.

In original claims allowed under all general laws (except such acts as do not provide for payment of a fee), (sec. 4, act July 1, 1884) a fee—

On properly executed articles of agreement, any amount contracted for not exceeding.....	\$25.00
Without articles of agreement.....	10.00
Act June 27, 1890 (sec. 4 of said act).....	10.00
Act Apr. 19, 1903 (sec. 2 of said act).....	10.00
Act Sept. 8, 1916.....	10.00

Act May 11, 1912, on original allowance only and only in cases where such allowance is made to a person who was not a pensioner under any law at passage of the act, and had never received a pension prior to that date.

On properly executed articles of agreement, any amount contracted for not exceeding..... \$25.00
Without articles of agreement..... 10.00

Act March 4, 1917—

On properly executed articles of agreement, any amount contracted for not exceeding..... 25.00
Without articles of agreement..... 10.00

Act July 16, 1918..... 10.00

Act May 1, 1920 (original claims)..... 10.00

Act June 5, 1920—

On properly executed articles of agreement, any amount contracted for not exceeding..... 20.00
Without articles of agreement..... 10.00

Supplemental claims allowing pension—

For child by former marriage, if filed by new attorney..... 10.00
For helpless child—

If named in original application, but new attorney presents claim.. 10.00
If not so named, whether supplemental claim be filed by new or original attorney..... 10.00

For posthumous child, born after filing claim, unless expressly exempted by mutual agreement between claimant and attorney.. 10.00

Errating or reissue to correct rate or date of commencement, if filed by new attorney (11 P. D., 202)..... 10.00

Reduction in rate of pension, for services rendered in preventing (Secretary's decision, Dec. 27, 1900, case of Charles Hebel, certificate No. 113168)..... 10.00

Dropping pensioner's name from roll, for services rendered in preventing (9 P. D., 236)..... 10.00

Renewal, restoration, removal of suspension, etc., "cases of difficulty and trouble" (sec. 4, act July 4, 1884), commissioner may recognize articles of agreement for not exceeding (8 P. D., 182)..... 25.00

Restoration—

Dropped for loss of title on testimony taken by a special examiner showing that the disability or cause of death on account of which pension was allowed did not originate in line of duty, and in cases of dependent relatives whose names were dropped, on like testimony, upon the ground of nondependence (act July 4, 1884), in claims under all general laws (except act June 27, 1890, act Apr. 19, 1908, and such acts as do not provide for payment of a fee)—

On properly executed articles of agreement, any amount contracted for not exceeding..... 25.00
Without articles of agreement..... 10.00

Under act June 27, 1890..... 10.00

Under act Apr. 19, 1908..... 10.00

Where dropped under sec. 4719, R. S. (4 P. D., 405)..... 10.00

Increase claims—

Mexican War, Jan. 5, 1893, and amendatory acts, in which fee was not paid prior to Sept. 20, 1902 (12 P. D., 505)..... 10.00

In cases where increase is granted because of increase of the disability for which pension was originally allowed (act Mar. 3, 1891)..... 2.00

59. Not payable on order of Commissioner of Pensions, but a matter of contract between claimant and attorney, subjecting the latter to disciplinary proceedings in the event of extortion or unreasonableness.

Reimbursement and accrued pensions, act Mar. 2, 1895, due deceased pensioners: Attorney may collect 10 per cent of accrued pension paid, but fee must not exceed..... \$10.00

Divided pensions, act Mar. 3, 1899 (10 P. D., 403): Attorney may collect reasonable fee, and in absence of abuse or misconduct on his part, justifying disbarment, Commissioner of Pensions has no authority.

60. Cases wherein fees are denied.

By law:

Act July 4, 1884, arrears of pension allowed by Congress subsequent to original grant..... No fee.

Act Mar. 19, 1886, increasing rates of pension to certain widows..... No fee.

Act Aug. 5, 1892, granting pensions to Army nurses..... No fee.

Act Mar. 3, 1901, and act Feb. 28, 1903, amending sec. 4708 R. S., giving pensionable status to certain remarried widows..... No fee.

Act Feb. 6, 1907, granting pensions to certain survivors of the Mexican and Civil Wars..... No fee.

Act May 28, 1908, for services in introducing or securing the passage of a private act of Congress granting a pension..... No fee.

Act May 11, 1912, if a pensioner at date of the passage of the act, or had been a pensioner prior to its approval..... No fee.

By departmental construction or regulations:

Increase of pension by operation of law..... No fee.

Claim filed by State agent or commissioner (7 P. D., 293)..... No fee.

Wherein power of attorney only is filed (4 P. D., 356; 7 P. D., 517)..... No fee.

Wherein no service is rendered (7 P. D., 517)..... No fee.

Wherein attorney transmits only order for medical examination or reasons for claimant's failure to appear for such examination (9 P. D., 375), unless in response to bureau call..... No fee.

Where guardian, as attorney, prosecutes claim of his ward, or firm of attorneys of which guardian is a member, prosecutes such claim (rule 15, practice)..... No fee.

Where no fund accrues by reason of allowance out of which fee could be paid (8 P. D., 139; 11 P. D., 149)..... No fee.

Reissue to include new disability, if no increase (8 P. D., 139)..... No fee.

Errating or reissue to correct rate or date of commencement, if same attorney as in original claim (7 P. D., 359; 13 P. D., 75)..... No fee.

Securing new or duplicate pension certificate (8 P. D., 261)..... No fee.

Supplemental claims allowing pension—

For child by former marriage if claim be filed by original attorney (7 P. D., 47; 16 P. D., 546)..... No fee.

For helpless child if child named as helpless in original declaration, to original attorney (9 P. D., 117)..... No fee.

Act Sept. 8, 1916, increase and renewal..... No fee.

Act May 1, 1920 (increase)..... No fee.

61. Postage.

By order of May 26, 1891, attorneys may receive from and after April 22, 1891, for postage in any one claim..... \$0.50

62. Attorneys or agents shall not use or permit any of their employees to act as identifying or attesting witnesses to any application, affidavit, power of attorney, fee agreement, or other paper, filed in the prosecution of a claim for pension or bounty land warrant.

63. Attorneys or agents shall not contract for, demand, or receive, directly or indirectly, any compensation whatsoever, for advice or consultation concerning the pension and bounty land laws, except such compensation as may be lawfully paid by order of the Commissioner of Pensions, whether a claim has been or is thereafter filed for the person in whose behalf such advice or consultation is had. Any attorney or agent who shall violate the provisions of this or the preceding section shall be held thereafter incompetent to prosecute claims before the Bureau of Pensions within the meaning of section 5 of the act of July 4, 1884, and shall thereby subject himself to suspension or disbarment to practice before said Bureau.

DECLARATIONS AND EVIDENCE.

64. The authority given to fourth-class postmasters and rural free-delivery carriers to administer oaths to pensioners and their witnesses in the execution of their vouchers does not apply to the execution of any other paper.

65. All declarations and affidavits must be executed before some officer duly authorized to administer oaths for general purposes, in accordance with the provisions of the act of Congress approved July 20, 1892.

An affidavit in support of a claim for pension, or other purpose in the Pension Bureau, must be duly subscribed by the party making the same, and sworn to before some officer authorized to administer oaths for general purposes.

66. Blank forms of declarations shall be furnished to claimants upon application therefor. They shall not be furnished to agents or attorneys, but sample forms shall be sent on request.

67. A claimant under any law may prosecute his claim in person, or by attorney under certain laws, and his claim shall receive the same consideration by the Bureau of Pensions if prosecuted in person as if by attorney.

WITNESSES AND TESTIMONY.

68. A declaration executed before an officer who is claimant's attorney is accepted by the Bureau of Pensions as good and valid, but under the practice such magisterial act vacates any rights which may be conferred on him in the power of attorney therein embodied (499).

69. Evidence executed before an officer who is claimant's attorney or before any person who has a manifest interest therein shall not be considered. It is held by the Secretary of the Interior, however,

that evidence so executed, wherein the certificate of such officer contains a clause setting forth that "he is in nowise interested in the claim nor concerned in its prosecution" is good and valid, but the rights such officer may have had as attorney in the case are thereby abandoned. All certificates of executing officers should certify that they have no interest in the claim (500).

70. Every fact required to be proved should be shown by the best evidence obtainable. Every witness should state whether he has any interest, direct or indirect, in the prosecution of the claim in which he may testify; whether he is related to the claimant, and if so, how; and should give his post-office address, with street and number, or rural free-delivery route, if any.

71. Witnesses should not merely confirm the statements of other parties, but should give a detailed statement of the facts known to them in regard to the matter concerning which they testify, and should state how they obtained a knowledge of such facts. The officer taking the deposition or affidavit should certify in his own handwriting as to his knowledge of the credibility of the witnesses. If they sign by mark, the signature must be attested by two witnesses who write, and the officer must certify that the contents of their depositions or affidavits were read to them before he administered the oath.

72. Affidavits should be free from interlineations and erasures. When an alteration is made in an affidavit, or an addition is made thereto, it must appear by the certificate of the officer who administered the oath that such alteration or addition was made with the knowledge and sworn consent of the affiant.

73. In all affidavits from surgeons or physicians the portion detailing the nature of the disability, dates of treatment, and date of death, symptoms and opinions as to connection between diseases or injury and disease should be in the handwriting of the party by whom it is signed. The testimony of any person testifying as an expert should be prepared by some one professionally competent to do so.

74. The official certificates of judicial officers using a seal or of commissioned officers of the Army or Navy in actual service shall be accepted without being sworn to, but all other witnesses must testify under oath.

ADDRESSES OF PENSIONERS OR CLAIMANTS FOR PENSION.

75. a. Pensioners and claimants for pension desiring their mail sent to cities or towns with a population of 5,000 or more having free mail delivery must give their post-office addresses, their street and number, number of post-office box, rural free delivery route, or "general delivery," as the case may be. "General delivery" addresses

shall be accepted only in case it be shown that no other address such as above specified is available.

b. Addresses in care of another person shall not be accepted for the transmission of pension certificates or anything of value, or which might be appropriated or wrongfully used by another person, nor shall any communication be mailed to a claimant for pension or increase at a street and number, or post-office box address which is the same as that of the attorney prosecuting the claim.

76. Where it is shown that a pensioner or claimant has resided for a number of years at the address given in his application, or has more recently answered communications addressed to him in which street number, post-office box, or rural free delivery route was not used, it may be assumed that another address is not available.

GUARDIANSHIP.

77. Every guardian, or other person receiving pension in a fiduciary capacity, must biennially file in the bureau a certificate of the court to which such fiduciary is accountable, showing that he has accounted to the court, as required by law, and that the account has been approved or that the requirement for accounting has been waived by the court, if such is the fact. Blank form of certificate shall be furnished each guardian or committee and must be used by him. In case of failure to file such certificate, payment on the voucher with which it is required, and all subsequent payments, shall be withheld pending the receipt thereof.

INSPECTION OF PAPERS.

78. The examination of papers relating to claims for pension or bounty land, by attorneys, counsel, or agents, shall not extend to reports from the governmental departments and bureaus, confidential communications, or reports of special examiners relating to criminal charges and investigations.

79. a. The act of July 18, 1894, which permits the examination and inspection of reports of examining surgeons by the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide, must be complied with in such manner as will afford all proper information to claimants and their attorneys in all pending claims, and at the same time interfere as little as may be with the work of the bureau.

b. No one but the claimant in person and his recognized attorney in the claim, or said attorney's subagent, including the confidential clerk (duly accredited) of each, shall be permitted to examine the reports of examining surgeons filed in the claim, and such examination shall be made subject to the rules of the Pension Bureau in respect to the calling up and examination of cases by attorneys.

c. Said act of Congress does not permit the copying of reports, or any portion thereof. No person shall be permitted to make or make memoranda from such reports.

80. No examination of reports of examining surgeons shall be permitted in admitted cases wherein there is no claim pending.

81. No examination of such reports shall be permitted in cases, after the lapse of three months from the date of rejection of the claim has been regularly reopened according to the practice of the bureau, or unless an appeal from the decision is pending.

82. No one except the clerk in charge will be permitted to examine any certificate of disability for discharge, report of medical surgeon, or certificate of death in the Navy before the same shall have been applied to a pending claim, except upon the order of the commissioner, deputy commissioner, or chief clerk, or upon the written request of the Chief of the Law Division or the Chief of the Special Examination Division.

RETURN OF PAPERS.

83. Certificates of discharge, marriage certificates, family records, personal letters, diaries, bills and receipts, and other personal papers or articles which may have been filed in claims for pension, may, in the discretion of the commissioner, be returned through the Law Division upon request of the persons entitled thereto, and whenever papers so returned constitute part of the material and essential evidence in a claim, photostats or other copies of the same, or of so much thereof as may appear to possess evidential value, shall be placed in the case.

PAYMENT.

84. The mailing of a pension check in payment of pension due, issued on voucher, constitutes payment in the event of the death of the pensioner subsequent to the execution of the voucher therefor.

85. a. In nonvoucher cases the proper delivery of a pension check during the lifetime of the pensioner constitutes payment in the event of the death of the pensioner prior to indorsement thereof. In such cases the checks become a part of the assets of the estate of the deceased pensioner.

b. All inquiries relative to the payment of such checks should be addressed to the General Accounting Office, Interior Department Division.

MISCELLANEOUS.

86. Applications for certificate of service in lieu of lost discharge should be filed with The Adjutant General, United States Army, War Department, in Army cases, and with the Chief of the Bureau of Navigation, Navy Department, in Navy cases.

87. Applications for back pay, extra pay, or bounty money for military service should be filed with the General Accounting Office,

RELATING TO ARMY AND NAVY PENSIONS.

Division; for bounty, extra pay, or prize money for
the General Accounting Office, Navy Department

for artificial limbs or mechanical appliances
with the Surgeon General, United States Army, War

ations for headstones for graves of deceased soldiers
fled with the Quartermaster General, United States Army,
partment.

**END OF
TITLE**